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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 281/2017 & O.A. 135/2017 AND I.As. 11565/2017,
11743/2017

M/S ARUN VASTRA BHANDAR PVT. LTD Plaintiff
Through: Mr. Deepak Agarwal, Advocate with
authorised representative of the plaintiff.

versus

MR. BHUPESH BHARDWAJ Defendant
Through: Mr. O.P. Aggarwal, Advocate with
defendant in person.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
01.11.2017

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Present suit has been filed for passing off and permanent injunction restraining infringement of registered trade mark 'Arun Vastra Bhandar', as well as unfair competition, dilution, delivery up, damages and rendition of accounts.

In the written statement filed by the defendant, it has been admitted that defendant opened his shop in January 2017, under the name and style of "Arun Thok Vikretta Vastra Bhandar".

It is, however, stated that after the passing of the injunction order dated 03rd May, 2017, the defendant has changed the name of his firm to 'Annu Thok Vikretta Saree and Suits Pvt. Ltd.

Today, learned counsel for defendant, on instructions of the defendant who is personally present in Court, states that the defendant shall not use the name and logos of the plaintiff. He further states that the defendant shall voluntarily pay Rs.1 lac to the Lok Nayak Hospital, Delhi, within a period of four weeks.

In view of the aforesaid statements and undertakings, learned counsel for plaintiff does not press for reliefs of unfair competition, dilution, delivery up, damages and rendition of accounts.

The aforesaid statements made by both the learned counsel are accepted by this Court and parties are held bound by the same.

An authorised representative of the plaintiff shall be at liberty to visit the premises of the defendant on 05th November, 2017 at 11:00 a.m. to verify whether the plaintiff's logos and marks have been removed.

Consequently, the present suit and applications are decreed in accordance with paragraph 27 'a' and 27 'b' of the plaint.

Registry is directed to prepare a decree sheet accordingly.

Defendant is directed to make payment of Rs.1 lac to the Lok Nayak Hospital, Delhi, within a period of four weeks. The receipt of the same shall be filed within a further period of two weeks.

Registry is also directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector full amount of the Court fee paid by them in the present suit.

MANMOHAN, J

NOVEMBER 01, 2017

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